

EXHIBIT A

TASHIA ANDERSON v. WBY, INC.

Tashia Anderson on 06/23/2015

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4 AMERICAN ARBITRATION ASSOCIATION

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6 TASHIA ANDERSON,

7 Claimant,

8 v.

CASE NO.

01-14-00092 35

9 WBY, INC., d/b/a THE FOLLIES,

10 Respondent.

11 *****

12

13 DEPOSITION of TASHIA ANDERSON

14 Tuesday, June 23, 2015

15 12:55 p.m. to 4:10 p.m.

16 Constangy, Brooks, Smith & Prophete, LLP

17 230 Peachtree Street, NW

18 Atlanta, Georgia

19 Reporter: Sandra Kwiecien, RPR, CLR

CCR-6012-7323-6088-4224

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24 Also present:
25 Steve Youngelson

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25 (Original exhibits attached to original transcript.)

1 P R O C E E D I N G S

2 TASHIA ANDERSON, having been duly sworn, was examined
3 and testified as follows:

4 EXAMINATION BY MR. RUBIN:

5 Q. Good afternoon, Ms. Anderson. My name is Allan
6 Rubin. I'm going to be taking your deposition
7 today.

8 A. Uh-huh.

9 Q. Nice to meet you.

10 A. Nice to meet you, too.

11 Q. So I'm going to be -- I don't know if you've ever
12 been deposed before.

13 A. No, not that I can recall.

14 Q. Okay. So there is just a couple of ground rules I
15 want to go over with you. And if you don't
16 understand any of them, please let me know. Okay?

17 A. Okay.

18 Q. First of all, as you can see, there is a court
19 reporter sitting next to you. She is taking down
20 everything that's being said in this room. She's
21 taking it down and she's going to make what's called
22 a transcript when this is done. A transcript, I'm
23 sure you know, but for the record, it's kind of like
24 a book that we're all going to be able to read
25 afterwards.

1 A. Okay.

2 Q. So a couple of things related to that. Number one,
3 it's really hard for her to make a good and clear
4 and clean transcript of what happens in the room if
5 we're both talking at the same time. And I will do
6 my best and I'm not the greatest at it. And I don't
7 expect you to be the greatest at it, but I'm going
8 to try to do my best to ask my question and let you
9 give answers to those questions. So I'll ask, you
10 answer; I'll ask, you answer. Okay?

11 A. Okay.

12 Q. So while we very much -- oh, excuse me. While we
13 very much want to keep this conversational if we
14 can, it is still a formal process, and that formal
15 process is going to end up on the record. Okay?

16 A. Okay.

17 Q. Secondly, what you are doing here, the court
18 reporter swore you under oath. Do you recall that?

19 A. Yes.

20 Q. That's the same oath that you'd give as if you were
21 testifying in a courtroom today.

22 A. Okay.

23 Q. It has the same meaning as if you were testifying in
24 the -- in a courtroom today.

25 A. Okay.

1 Q. Everything you are saying is under oath, and you can
2 imagine yourself sitting in a federal courthouse,
3 giving the testimony. It's got the same meaning and
4 the same oath. Do you understand that?

5 A. I understand.

6 Q. Also, I'm not here to trick you. I'm not here to
7 argue with you. I'm trying to learn some
8 information from you. Okay?

9 A. Okay.

10 Q. It may not make the greatest sense to you. I'm
11 going to meander down my own kind of path here. But
12 it's very important that you answer the questions
13 that I ask you. And if there's any questions that
14 you -- if there is something you want to say, your
15 lawyer will have an opportunity to ask you anything
16 that he thinks is important after this -- after I'm
17 done. Okay?

18 A. Okay.

19 Q. So this isn't who gets to say what when. I have
20 some questions I'm going to ask you that I need some
21 information regarding this, and so this is my
22 opportunity to ask you those question. Okay?

23 A. Okay.

24 Q. If at any time you do not understand one of my
25 questions, if you think it's -- you can't hear it,

1 it's being unclear, you're confused by it, just say,
2 I'm sorry, Allan, I don't get it, I don't understand
3 it, I didn't hear it, whatever. Okay?

4 A. Okay.

5 Q. Because my job here is not to trick you or try and,
6 you know -- try to get you to say something you
7 don't want to say.

8 A. Okay.

9 Q. My job is simply to ask you questions. And it's
10 important that you understand and hear -- just like
11 right now, there is a fire truck going by us,
12 right -- that you hear and understand the questions
13 so that when you give us your answer, when we go
14 back and read it, we have a clean and clear copy or
15 a clean and clear understanding of what I asked you
16 and what you said. But more importantly, it's -- or
17 most importantly is that you give answers to the
18 questions that I ask you, that you intend to give.
19 Okay?

20 A. Okay.

21 Q. So if you don't understand something, just stop me
22 and let me know. Okay?

23 A. Okay.

24 Q. This is also, last thing, not a marathon, right. We
25 don't have -- we have as long as we need to do this

1 process. So if you need to take a break, you need
2 to use the restroom, you've got to make a phone
3 call, whatever it is, just let us know. As long as
4 there's not a question pending, we'll be happy to
5 take a break.

6 A. Okay.

7 Q. Okay. Any questions before we begin, about the
8 process?

9 A. Nope. You made it clear.

10 Q. Okay. One last thing I should say: You can't say
11 uh-huh or uh-uh or nod your head or shake because
12 that, the court reporter can't take down. So if I
13 ever say to you, Is that a yes, Is that a no or
14 rephrase and say, Do you agree with that --

15 A. Uh-huh.

16 Q. -- it's because there is something unclear about it
17 or you nodded your head or you made a shake. I'm
18 just trying to make sure the court reporter gets a
19 clear and clean answer.

20 A. Okay, okay.

21 Q. Okay? So it's not intended to be rude or
22 disrespectful in any way.

23 A. All right.

24 Q. All right. So how old are you?

25 A. Thirty-six.

25 Q. When was the last time you held an active real

1 estate license?

2 A. 2008.

3 Q. Okay. Did you ever work in the cosmetic field, I
4 guess?

5 A. I do my own thing.

6 Q. Okay. Do you have your own business?

7 A. No, not currently.

8 Q. Did you at one point?

9 A. No. I just -- I'm -- what do you call that, like
10 say if you call me and you want your facial or
11 whatever, I come to you. I'm mobile.

12 Q. Okay. So you don't have a physical business
13 location?

14 A. No.

15 Q. But you perform -- I'm sorry. That was a no, you
16 don't have a physical business location?

17 A. No.

18 Q. But you perform -- you are a makeup artist,
19 essentially? I don't know what a different way to
20 describe it would be.

21 A. A wax specialist.

22 Q. A wax specialist, okay. A wax specialist. And so
23 do you have business cards or regular customers
24 or --

25 A. No. I'm not currently working in that field right

24 Q. Okay. Fair enough. Have you had any other training
25 in any other fields?

1 A. No.

2 Q. So you went to high school. And what year did you
3 graduate? Or what year would you have graduated?

4 A. I would have graduated in 1997.

5 Q. 1997, from where?

6 A. Cincinnati, Ohio. Woodrow High School in
7 Cincinnati.

8 Q. Did you grow up in Cincinnati?

9 A. Yes.

10 Q. And I take it you didn't graduate from high school
11 in Cincinnati.

12 A. No, I didn't.

13 Q. Okay. What did you -- did something -- how old were
14 you when you dropped out of high school?

15 A. I had a baby in '97, so 11th grade is when I
16 stopped.

17 Q. Did you complete 11th grade?

18 A. Yes.

19 Q. You dropped out sometime before the start of your
20 senior year?

21 A. Yes.

22 Q. Beginning in 1997 and continuing until today, can
23 you just give me just a quick sketch of what you've
24 done for -- you know, for a living?

25 A. What did I do for a living? I worked for Sprint. I

1 worked for MCI. I'm not sure if they are still
2 around, but I worked for MCI. I worked at This Is
3 It!, a restaurant. I worked for Dollar Tree. And
4 then I -- my mom and dad helped me out a couple of
5 years. I had a boyfriend at the time who helped me
6 out while I was working. And then I started dancing
7 as an entertainer somewhere around 2005.

8 Q. Okay. Why don't we stop there for just a moment.
9 What did you do for Sprint and MCI?

10 A. Call center.

11 Q. So you were sitting in a call center, responding to
12 calls?

13 A. Yes, customer service calls.

14 Q. Okay. Were you paid -- were you paid in any
15 particular way?

16 A. The wages that they were offering at the time, yeah.

17 Q. So you understood, for example, that they were
18 offering -- let's just hypothetically say it was
19 5.25 an hour at the time.

20 A. Uh-huh.

21 Q. Was that what -- is that the job that you took? Was
22 it a minimum wage job?

23 A. Yes. I don't know what minimum wage was at the
24 time, but back then I was making \$8.00 an hour.

25 Q. Okay. So whatever it was, you were making eight

1 bucks an hour?

2 A. Yes, whatever they offered.

3 Q. When was that -- where was that employment located?

4 A. Alpharetta -- MCI was in Alpharetta. And Sprint, I
5 believe that was in -- I want to say Smyrna.

6 Q. When did you move to Georgia?

7 A. I moved to Georgia in 2000, right around 2000. My
8 daughter was two.

9 Q. Okay. Before you moved to Georgia, did you have any
10 employment anywhere?

11 A. No. I was still living at home.

12 Q. So your first job was working for Sprint or MCI or
13 some combination thereof?

14 A. Yes.

15 Q. How long did you work there for?

16 A. Sprint, I worked there a year. MCI, I worked there
17 a little bit over a year, like 18 months.

18 Q. Okay. And then you went on and you began working
19 for This Is It!?

20 A. This Is It!.

21 Q. What is it?

22 A. It's a restaurant, like a little soul food
23 restaurant.

24 Q. I was teasing.

25 A. Oh, okay.

22 A. My daughter has ADHD, and so it was just difficult
23 for me to be working and not being able to go to the
24 school when I needed to be going to the school. So
25 it was my scheduling that they had off, and I just

1 A. S-T-R-O-K-E-R-S.

2 Q. My writing is just terrible. I apologize.

3 A. I worked at Stokers for maybe a year and a half.

4 Q. What was the next place that you worked at?

5 A. Onyx.

6 Q. Onyx. How long did you work for Onyx for?

7 A. About two or three years.

8 Q. Okay. And after Onyx, where did you work?

9 A. Follies.

10 Q. And then where did you work, or is that it?

11 A. That's it.

12 Q. When was the last time you worked at Follies?

13 A. Sunday night.

14 Q. This past Sunday night?

15 A. Yes.

16 Q. When was the first time you worked at Follies?

17 A. I want to say September 2010.

18 Q. So you began working, you said, at the Follies in

19 September 2010, and you stopped working -- or the

20 last time you worked there was on Sunday?

21 A. The 21st.

22 Q. June 21st?

23 A. 21st.

24 Q. Sorry. I'm just making sure I have my dates right.

25 So that would be, yeah, Sunday, June 21?

1 you've been working consistently since?

2 A. Yes.

3 Q. Do you have a regular schedule that you keep?

4 A. Yes. I work four days a week.

5 Q. Which four?

6 A. I just choose the days. It varies because of my
7 babysitting situation.

8 Q. Okay. So you don't have --

9 A. But normally it's Thursdays -- I like to be there
10 Thursdays, Fridays, Saturdays, and Sundays. It
11 could be I don't go on a Friday but go on a Monday.
12 I choose to go that Monday. But four days a week,
13 definitely.

14 Q. Do you have a typical start time that you show up?

15 A. I get there before eight.

16 Q. 8:00 p.m.?

17 A. 8:00 p.m.

18 Q. Do you know what -- how much before 8:00 p.m.?

19 A. Before eight o'clock. What do you mean?

20 Q. Well, how much before? Is it like 7:55? Is it I'm
21 there at four in the afternoon?

22 A. No, no. I just did a double. I did a double, my
23 first double since I've been back. I did that last
24 Thursday, which would have been the 18th.

25 Q. Okay. I guess that wasn't my question. So let me

23 Q. Do you know whether -- do you know how difficult it
24 is to retrieve vehicles from the parking lot during
25 the busy periods?

1 A. I don't.

2 Q. Do you know if you get there earlier, that your car
3 is usually further in the back?

4 A. No. I don't know where the valet parks it.

5 Q. Do you valet park?

6 A. We have to.

7 Q. Well, you can park in a parking spot if it's
8 available, can't you?

9 A. No.

10 Q. No, you can't? You're prohibited from?

11 A. Yes. We have to valet.

12 Q. Who told you that?

13 A. It's just always been like that.

14 Q. Somebody told you that or is that just something
15 that you presumed?

16 A. No. They told us that when I first started working
17 there. I asked them, Can I park it myself? And at
18 that time, the guy that was over at the valet said
19 that all girls have to valet.

20 Q. Was that back in 2010?

21 A. Yes.

22 Q. Have you asked anybody since then if you had to
23 valet?

24 A. Yes, because I don't -- I try to avoid paying valet.

25 Q. And one of the ways you can avoid paying valet is to

1 park either off site, right, and walk up to the club

2 or park in an available parking spot, right?

3 A. No.

4 Q. So how else would you avoid paying valet?

5 A. We can't. All girls have to valet because they have
6 to keep our keys.

7 Q. Can you have somebody drive you or take a cab?

8 A. I guess you could. But, I mean, I don't because I
9 drive.

10 Q. Okay. You know, one of the -- as I think I heard
11 you say, one the things that you understand that
12 you're going to have to do if you want to work at
13 Follies is you are going to have to pay for valet?

14 A. Uh-huh.

15 Q. Is that a yes?

16 A. Yes.

17 Q. Is that something that you pay outside before you
18 get into the club?

19 A. Yes. But if I don't have it on me, they take my
20 name down and say I have to pay it when I come out.

21 Q. Okay. And that's kind of typical with most valet
22 places, right?

23 A. I'm not sure.

24 Q. Have you ever valeted your car anywhere else?

25 A. Not me. I'm kind of anal. I prefer to park my own

25 A. Yes.

1 Q. Has that fee been the same or has it changed?

2 A. It's been the same.

3 Q. Okay. So from the -- probably the first day that
4 you started performing there, did you understand
5 that there was a fee to perform there?

6 A. Yes.

7 Q. Did you know exactly what that fee was going to be?

8 A. Yes.

9 Q. Did -- were they clear and did they tell you that?
10 Did they tell you the fee structure?

11 A. Yes.

12 Q. And you could have chosen to work there or not work
13 there, right?

14 A. Yes.

15 Q. And you chose to work there?

16 A. Yes.

17 Q. And every day you show up, you choose to pay the
18 fee, right?

19 A. Yes.

20 Q. Because it makes financial sense to do so for you?

21 A. Yes, it makes financial sense to do so. And if
22 that's what is required of me to be able to work
23 there, then I just pay the fee.

24 Q. That's because you make far more from performing
25 there than the cost of working there, right?

1 A. I paid a fee.

2 Q. You paid a fee. You got a background check, right?

3 A. Yes.

4 Q. You got fingerprinted?

5 A. Yes.

6 Q. And they gave you a license?

7 A. Yes.

8 Q. What did that license let you do?

9 A. That license -- in DeKalb County I was able to work

10 at any club with that one license.

11 Q. Okay. Any club within DeKalb County?

12 A. In DeKalb County, yes.

13 Q. Do you know how many clubs are in DeKalb County?

14 A. I have no idea.

15 Q. When you worked at Onyx, where was that located?

16 A. Cheshire Bridge. That's Fulton County.

17 Q. Did you have to get a license to work there?

18 A. Yes.

19 Q. Did you get that from Fulton County?

20 A. Yes.

21 Q. And did you have to pay for that license?

22 A. Yes.

23 Q. And how much did you pay for that license, do you

24 recall?

25 A. I get it mixed up, DeKalb and Fulton.

1 Q. Did you ask them if you could work there or if you
2 could perform there?

3 A. Yes.

4 Q. And did they explain to you how it worked there?

5 A. Yes.

6 Q. What did they tell you -- what do you recall them
7 telling you between -- when you first showed up
8 there that day?

9 A. Well, the house mom explained it to me as far as the
10 rules and regulations go.

11 Q. What did she explain to you?

12 A. What time I can come to the club, between what hours
13 I could work. The night shift is -- how much I will
14 have to pay depending on what time I got there,
15 dancing on the stage, you know, the tip outs to
16 whoever you had to tip out, what time you could
17 leave and what time you needed to be gone by, the
18 fee that you had to pay in order to leave early.
19 And that was about it.

20 Q. Okay. Now, knowing all of that, you said you
21 thought this was a good idea and you were going to
22 go get your license?

23 A. Yes.

24 Q. Now, you went and you made an investment of a
25 license in 2010. Do you recall what month?

1 A. Yes. That was my source of income.

2 Q. And in 2012, you made the same choice?

3 A. Correct.

4 Q. 2013, you made the same choice?

5 A. Correct.

6 Q. In 2014, you didn't have to make that choice, right,
7 or did you?

8 A. What's that?

9 Q. To renew a permit.

10 A. Correct. When we were annexed, I didn't have to
11 make the choice of going and getting a new permit.

12 Q. Well, that's because they don't -- that's because
13 you no longer are required to have a permit,
14 correct?

15 A. Correct.

16 Q. Okay. So do you recall what the fees were in 2010?

17 A. What fees?

18 Q. The fees that the house mom told you that you would
19 have to pay?

20 A. They are pretty much the same. The only difference
21 is we get something called a drink ticket. Back in
22 2010, we were not required to pay the drink ticket
23 up front. And basically a drink ticket is they give
24 us a fake \$20 bill and we have to sell that to a
25 customer.

23 Q. They tell you now -- or they give you a drink
24 ticket, no drink ticket or ten drink tickets, the
25 fee is \$35 to work?

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1 A. Yes.

2 Q. And included in that sometimes -- or most days is a
3 drink ticket, right?

4 A. Every day is included a drink ticket.

5 Q. Sometimes there's more than one included, correct?

6 A. What do you mean?

7 Q. Sometimes they give you more than one?

8 A. More than one drink ticket?

9 Q. Yes, ma'am.

10 A. Yes. At night, every day we get two drink tickets.

11 Q. Okay.

12 A. We get two drink tickets.

13 Q. And so you know every day that you are going to show
14 up, since 2014, the fee if you showed up before
15 eight, it was 35 bucks?

16 A. Before 2014?

17 Q. Or after 2014?

18 A. After 2014, it's \$35 up front, yes.

19 Q. And for that, you get two drinks, right?

20 A. For that, yes, we get two drink tickets.

21 Q. And you can use those yourself?

22 A. We can use -- the drink tickets, we can use \$5 out
23 of it.

24 Q. Well, you don't -- you -- you can use the drink
25 tickets yourself and get a drink, right?

1 Q. You can buy a drink with it?

2 A. \$5, yes.

3 Q. Or are there drinks that cost less than \$5?

4 A. Bottled waters and Red Bull.

5 Q. Okay. So you get a Red Bull and bottled water if
6 you want with it?

7 A. Yes.

8 Q. You can get an alcoholic drink if you want with it
9 and pay the difference?

10 A. And pay the difference, yes.

11 Q. And your customer can do the same thing?

12 A. Yes.

13 Q. Do you ever use the drink ticket to market, like
14 I'll give you two dances and a drink ticket?

15 A. No.

16 Q. Do you just give it to customers who treat you well?

17 A. No. I use it myself because I pay for it. So
18 sometimes I may not be able to sell it to a
19 customer, you know, so I just use it myself.

20 Q. So you either sell it or use it yourself?

21 A. Yes.

22 Q. But you never give it away?

23 A. No.

24 Q. It sounds to me that prior to 2014, the system
25 worked pretty much the same as \$35, you get a drink

1 before eight o'clock, the fee to perform was \$15?

2 A. \$15.

3 Q. Okay. And, again, you knew what that was every day
4 that you showed up there?

5 A. Yes.

6 Q. Okay. You would then go into the locker room?

7 A. Yes, the dressing room.

8 Q. And you would change?

9 A. Yes.

10 Q. While you were changing, would you see the house
11 mom?

12 A. Yes.

13 Q. And the house mom would say, Here are two drink
14 tickets?

15 A. No.

16 Q. What would happen?

17 A. We would get a drink ticket at twelve o'clock
18 midnight. The DJ will call all the girls on the
19 stage for the review, which is the drink ticket
20 review.

21 Q. Okay.

22 A. Then we will be let down off the stage and would be
23 -- we would have to, at that time, try and go sell
24 the drink ticket. We have three songs to sell the
25 drink ticket.

1 trying to sell the drink ticket and I was
2 unsuccessful, I never sold a drink ticket. I will
3 go to the bar and I will buy myself a bottle of
4 water or a Red Bull.

5 Q. Okay. So one of the things that you would do is try
6 to sell the drink ticket to a customer -- supposed
7 to be, right? But if you -- and you said you
8 couldn't, and after a few times you stopped trying?

9 A. Yes.

10 Q. Okay. On the few times that you tried to sell a
11 drink ticket, what were you attempting to do?

12 A. I would -- say that again.

13 Q. Were you attempting to sell a drink in conjunction
14 with a dance? Were you just trying to sell a drink?
15 What were you trying to do?

16 A. No. I would say here is a two-for-one.

17 Q. A two-for-one dance?

18 A. That's what I was told. You know, with that drink
19 ticket I would say, Hey, would you like a dance, you
20 know, it's two-for-one.

21 They would say, What's two-for-one?

22 I say, I'm going to give you this \$20 ticket.
23 You get a dance and then you can get \$5 off your
24 drink.

25 Q. So you would go out and try to sell a \$20 dance and

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1 Q. So you are paying \$6 a night for the services that
2 she's providing to you, such as the products that
3 are in there, the things that you can just take?

4 A. No. I'm paying \$6 a night because they told me
5 that's what I have to tip out. That's what I have
6 to pay her.

7 Q. Do you get services from her in exchange for that
8 \$6?

9 A. No.

10 Q. Do you get products in exchange for that \$6?

11 A. No.

12 Q. If you wanted to, are there certain products that
13 you could get from her without paying a fee?

14 A. What do you mean?

15 Q. Okay. So once you pay your \$6, right, are there
16 things in the dressing room that she provides you as
17 an entertainer? You or other entertainers.

18 A. Yes. There are things in the dressing room that
19 you're -- she said that you can use.

20 Q. What are those things?

21 A. Combs, deodorant, hairspray.

22 Q. Anything else?

23 A. Wipes.

24 Q. Anything else?

25 A. That's it. Everything else, you have to pay for.

1 Q. So you don't have to buy snacks from her if you
2 don't want to?

3 A. No.

4 Q. You can bring your own in too?

5 A. Yes.

6 Q. Okay. Any other fees that she's ever collected from
7 you?

8 A. No.

9 Q. So it was either this \$10 for this dance [sic]
10 ticket or -- and \$6 you tip her out or more?

11 A. Yes.

12 Q. Have you ever tipped her less than \$6?

13 A. No. And let me be clear. It's \$20 -- she gets \$20
14 for the dance tickets because we get two dance
15 tickets a night.

16 MR. LUCAS: You mean drink tickets?

17 THE WITNESS: Yes, drink tickets.

18 Q. I said for each one of the -- that may be the word,
19 or maybe I wasn't clear. But for each one of the
20 dance [sic] tickets. Now, she gets nothing for
21 them, right?

22 A. No. We just don't give it to her. We give it to
23 the front.

24 Q. Right. That's what I said. You don't give it to
25 her and she gets nothing for it, right, today?

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24 Q. Is this something that was in use, you've seen at
25 the club?

1 Q. What's that?

2 A. I don't sign my -- I don't sign just an M, yeah.

3 Q. So you didn't initial any of these?

4 A. No.

5 Q. Okay. But you said that you record your time in --
6 strike that.

7 Besides for the initials, is any of the writing
8 on the document yours?

9 A. No.

10 Q. Okay. You say you never initial -- strike that.

11 That's a bad question.

12 You said you do sign something in when you come
13 in the door?

14 A. I don't sign it. She just writes my name down.

15 Q. And then somebody apparently writes your name down
16 when you depart?

17 A. Yes.

18 Q. Do those -- just kind of looking through there,
19 because you just looked through it kind of quickly,
20 those seem to be kind of like your arrival and
21 departure times. I'm not asking you to tell me on
22 any specific days if it's accurate. I just want to
23 know generally if those fit within when you arrive
24 and depart.

25 A. Some of them don't have the time on here, just that

1 more of those documents. Some of them may be the
2 same as what were partially marked on Exhibit 9.
3 But I'm going to ask you the same questions. Kind
4 of go through these and tell me, A, if you recognize
5 any of your handwriting on these documents, and B,
6 if the departure and arrival times seem --

7 A. I can tell now that none of mine handwriting -- this
8 is none of my handwriting, because when we come to
9 work, the door girl, she writes our name down to,
10 you know, document and say that we're there and that
11 we paid our door fee. And then at the end of the
12 night, all we do is -- all I do is, I give my money
13 to the DJ, and he marked me -- that's his
14 handwriting to mark me off to say --

15 Q. Let me short circuit all of this.

16 A. Okay.

17 Q. Generally, when you show up, do you see the door
18 girl write your name down?

19 A. Yes.

20 Q. Does it seem to be at the time that you are showing
21 up? Because you are watching her, right? You are
22 walking through the door, you are seeing her write
23 your name down, right?

24 A. Yes.

25 Q. And when you are leaving, you're seeing the DJ write

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1 conversations you had with your lawyers -- with a
2 lawyer. But you received -- but you received a form
3 in the mail saying are you interested in
4 participating; is that correct?

5 A. Yes.

6 Q. You initially signed it and returned it?

7 A. Yes.

8 Q. And then later chose not to do it?

9 A. Yes.

10 Q. Was there any particular reason why you chose not to
11 do it?

12 A. I just didn't want to be a -- just didn't want to be
13 a part of it. And, you know, they were -- just
14 didn't want to be a part of it.

15 Q. Okay. So let me ask you, when did you work at Onyx?

16 A. I don't know the definite dates.

17 Q. What was your best recollection?

18 A. Whatever year that lawsuit was, you know, started.

19 Q. Okay. How long did you work there? I think you
20 told me earlier about six or eight months.

21 A. At Onyx?

22 Q. Yes.

23 A. No, I wasn't at Onyx six to eight months. That was
24 at the restaurant that I was six to eight months.

25 Q. Oh, I'm sorry.

1 A. I was there about 18 months, 2 years.

2 Q. Eighteen months. I'm sorry. When you worked at
3 Onyx -- when you performed at Onyx, did you perform
4 under a similar relationship to what you have at The
5 Follies?

6 A. Yes.

7 Q. That is, you pay the fee to work there?

8 A. Yes.

9 Q. And for that, you received the dance money that you
10 received?

11 A. Yes.

12 Q. Is that -- the same hold true with the other club
13 that you worked at?

14 A. I'm sorry. What was that?

15 Q. Was the same relationship hold true with the other
16 club that you worked at?

17 A. That I paid a fee?

18 Q. Yes.

19 A. Yes.

20 Q. Do the relationships generally work the same,
21 whether it was at Stokers, Onyx or The Follies?
22 There may be some difference in how the money
23 worked, but was it generally the same? You paid a
24 fee?

25 A. Paid a fee, yes.

1 Q. For that, you got the right to perform?

2 A. Yes.

3 Q. Okay. Now, was this different than -- strike that.

4 This was a different relationship than you had
5 when you were an employee at some of the various
6 places you worked, correct?

7 A. Come again with that.

8 Q. Sure. Well, like -- so when you worked at -- when
9 you worked at, let's just say, This Is It!, which
10 was a restaurant, if I remember correctly.

11 A. Yes.

12 Q. They paid you a fee, and you performed work for
13 them, right?

14 A. Yes. You're talking about This Is It! They paid me
15 a salary.

16 Q. What did they pay you?

17 A. Whatever minimum wage was.

18 Q. What did you do for that minimum wage?

19 A. Serve, make plates.

20 Q. Okay. Did they -- they set your hours, they told
21 you when to work, and all those other things?

22 A. Yes.

23 Q. And when you did that, they paid you a -- they paid
24 you seven and a quarter an hour, or whatever it may
25 have been at the time, in exchange for the services

1 Q. Okay. So whatever it is -- 42, 52, 62, 102,
2 whatever it is, they pay that -- the customer gives
3 that money to the club, right?

4 A. Yes.

5 Q. You don't touch that money, right?

6 A. No, no.

7 Q. Then you get -- the customer gets to use the private
8 room, right?

9 A. Yes.

10 Q. He can bring you in there with him?

11 A. Yes.

12 Q. And do you charge a fee for that?

13 A. No.

14 Q. You don't charge any money to go into a private room
15 with a customer?

16 A. No. They pay you per dance.

17 Q. Okay. So do you have a price that you charge per
18 dance in the VIP room?

19 A. I'll prefer not to speak on that because I can't
20 speak for everyone else. I don't --

21 Q. I'm not asking you to speak for anyone else.

22 A. I don't go into VIP.

23 Q. Have you ever been in VIP?

24 A. Once.

25 Q. How much did you charge to go into VIP?

1 A. I was telling the customer it was \$20 per dance.

2 And they wanted other services outside of me dancing
3 once I got in there, so I didn't make any money out
4 of that VIP situation.

5 Q. Okay. But that's one of the ways that you can make
6 money, is by performing private dances in the VIP
7 area?

8 A. Yes.

9 Q. And you understand that you can charge whatever fees
10 you want in there, right?

11 A. Yes.

12 Q. Okay. You set those fees, correct?

13 A. I told them \$20 a dance. That's what I was told by
14 the bouncers.

15 Q. You can set those fees at whatever you wanted,
16 right?

17 A. You're telling me this now, so I guess you can. I
18 was never told that.

19 Q. You were never told what to charge, other than you
20 asked the bouncer, you said, what you should charge?

21 A. Yes. I said, How do VIP work, how much are the
22 dances?

23 And he says, 10 or 20, whatever you want.

24 Q. Okay. So -- and is there a time period that the VIP
25 is supposed to last for?

1 A. I think 30 minutes.

2 Q. So in 30 minutes -- every song that's played at the

3 club is roughly three minutes?

4 A. Correct.

5 Q. So you can perform about ten dances --

6 A. Roughly --

7 Q. -- in half an hour?

8 A. Yeah, yeah.

9 Q. So about 200 bucks a half-hour, could you charge?

10 A. Yes.

11 Q. Maybe more, maybe less?

12 A. Depending on how short he makes this -- the DJ makes

13 the songs or how long he drags the song out.

14 Q. That's kind of in your discretion, right?

15 A. Yes.

16 Q. And you choose not to perform in there?

17 A. Correct.

18 Q. Nobody makes you perform in there, correct?

19 A. Correct.

20 Q. Nobody tells you you have to perform in there?

21 A. Correct.

22 Q. Nobody says that you can't perform in there?

23 A. Correct.

24 Q. Any rules that you're aware of at the club for --

25 generally for performing dances in the VIP?

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1 and what to wear and when to wear it?

2 A. Not that I can recall.

3 Q. Okay. Well, what rules do you recall they had at
4 Onyx?

5 A. The fees, what time you had to be there by. Just
6 general rules. Don't break the law, what you can --
7 no fighting, stuff like that. No drugs, no lap
8 dancing, that type of stuff.

9 Q. Did Onyx restrict you from working in other clubs?

10 MR. LUCAS: Onyx?

11 MR. RUBIN: Yes, ma'am -- yes, sir.

12 Sorry.

13 A. Not that I recall. I mean, at the time I worked at
14 Onyx, I didn't work at another club anyway, so it
15 didn't pertain to me.

16 Q. When you went to work at Onyx, did they have -- did
17 they give you a packet that included something like
18 called "Onyx club rules and" -- "club rules and
19 conduct for contractors and employees"?

20 A. I don't recall what they gave me and what it said
21 because it was so long ago, so --

22 Q. I'm just asking if you recall.

23 A. I remember signing some paperwork or them telling --
24 giving me something to look over that basically was
25 the structure, how they ran their business, so --

1 Q. Okay. I'm just asking if you recall getting a
2 packet that included club rules and conduct for
3 contractors and employees.

4 A. I don't recall that.

5 Q. Do you recall getting a packet that contained
6 conduct rules for VIP rules? This all relates to
7 club Onyx.

8 A. I don't recall that.

9 Q. Do you recall completing a dancer information sheet?

10 A. Dancer information, yes.

11 Q. Okay. Did you complete a random drug test consent
12 form?

13 A. No, I never did a drug test.

14 Q. I'm saying did you have to complete one of those
15 forms?

16 A. I don't remember that being in there.

17 Q. Do you recall signing some sort of agreement with
18 Onyx? A contractor agreement?

19 A. I don't remember signing anything.

20 Q. Did you get a --

21 A. When I worked for Onyx, they weren't as detailed as
22 they were until after they lost their lawsuit, so --

23 Q. Okay.

24 A. All I ever remember filling out an Onyx is basically
25 my information with my social, my real name, my

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1 club, and they might have best dancers in Atlanta or
2 finest girls to come in.

3 Q. But nothing else that you recall?

4 A. Nothing.

5 Q. Okay. Now, before today's deposition, you were kind
6 enough to provide us with your 2011, 2012 tax
7 returns.

8 A. Yes.

9 MR. RUBIN: Okay. I'm going have these
10 marked as Exhibits 16 and 17, respectively.

11 (Exhibit 16 marked for identification.)

12 (Exhibit 17 marked for identification.)

13 Q. For the record, 16 is your '11 tax return and 17 is
14 your '12 tax return.

15 MR. LUCAS: Thank you. Can we take a
16 break?

17 MR. RUBIN: Sure.

18 (Recess.)

19 BY MR. RUBIN:

20 Q. Take a look at Exhibit 16, if you would. It
21 purports to be your 2011 tax return.

22 A. Correct.

23 Q. You had professional assistance in completing this
24 return?

25 A. Yes.

1 if I can. There's some information on this form.

2 Okay? And so if I turn to what I think is the --

3 one, two, three, four -- the fifth page of this

4 packet in, which I think you had open --

5 A. Uh-huh.

6 Q. -- it's the cover page of the IRS Form 1040. Do you

7 see that?

8 A. Correct.

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[REDACTED]

1 Q. Okay. Let's take a look at Exhibit 17. If I turn
2 to the second page, this is your '12 tax return. Do
3 you see that there is something called an ERO?

4 A. Yes. ERO use only.

5 Q. This is for the Georgia Department of Revenue to
6 file electronically?

7 A. Yes.

8 Q. Do you see it's got that same "I declare under
9 penalties of perjury" under Part 2, right above the
10 line for your signature?

11 A. Yes.

12 Q. Do you recall signing this?

13 A. No.

14 Q. If I turn to probably the fourth or fifth page in,
15 there's an IRS E-File signature authorization for
16 2012?

17 A. Okay.

18 Q. Okay. And there would be a signature for you to
19 sign under "taxpayer PIN check box. I authorize
20 Source Accounting Solutions," et cetera?

21 A. Yes.

22 Q. Would you have signed that to authorize her to file
23 this return for you?

24 A. I didn't sign it.

25 Q. Okay. You didn't sign this one or you didn't sign

1 the one that was filed with the IRS?

2 A. I didn't sign this one.

3 Q. Are you suggesting that your tax preparer prepared
4 taxes without your authorization, filed them with
5 the IRS without your permission or authority?

6 A. No. I gave her permission to file them.

7 Q. Do you recall doing that in writing?

8 A. I didn't do it in writing. We did it over the
9 phone. She does my taxes every year, so I just call
10 her and --

11 Q. So you --

12 A. -- we speak.

13 Q. So it's your testimony that you -- did you go over
14 this form with her?

15 A. Yes.

16 Q. Did you understand its contents prior to authorizing
17 her to file it?

18 A. What it -- what the information was stating?

19 Q. Yes, ma'am.

20 A. No.

21 Q. Okay. You relied on her to provide you with basic
22 accounting advice?

23 A. Yes.

24 Q. And you're not suggesting she filed it without your
25 authority, are you?

1 A. No.

2 Q. Whatever was filed, she filed lawfully?

3 A. Yes.

4 Q. Okay. So I'm not sure if this is put together
5 right, but it was put together, I think, in the
6 order that we received it from you.

7 A. Yes.

8 Q. So I apologize if it's out of order, but let's see
9 if we can follow this document for just a moment.

10 A. Okay.

11 Q. Okay. If I go through and I go to the same Schedule
12 C, profit and loss for business, it's going to say
13 Schedule C.

14 A. Uh-huh.

15 Q. Do you see that?

16 A. Uh-huh, yes.

17 Q. In this year, it reports gross receipts from sales
18 in your business as a service entertainer of

19 [REDACTED]. Do you see that?

20 A. Yes.

21 Q. So do you know how you determined how much income
22 you made in 2012? And I mean income you took in.

23 A. How much income I took in?

24 Q. Yes, ma'am. The line that is reported at line 1 of
25 Schedule C, Exhibit 17.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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13 MR. RUBIN: So, Paul, I'm just going to

14 reserve these questions on those two tax years.

15 MR. LUCAS: On those two tax years, sure.

16 MR. RUBIN: Can we take a few minutes?

17 MR. LUCAS: Sure thing.

18 (Recess.)

19 (Attorney Mason enters conference room.)

20 BY MR. RUBIN:

21 Q. So we talked a little bit earlier about all of the

22 ways in which one could earn income at the club, and

23 one of the ways was from the \$10 dances, right?

24 A. Yes.

25 Q. One of the ways was dancing on stage?

1 A. Yes.

2 Q. And we talked about VIP?

3 A. Yes.

4 Q. Okay. And you said that you didn't like doing VIPs?

5 A. Correct.

6 Q. Was there any requirement that the -- that -- by the
7 club that you had to do VIPs?

8 MR. LUCAS: Objection. Asked and
9 answered.

10 Q. Is there any requirement by the club that you have
11 to do VIPs?

12 A. No.

13 Q. Okay. So the choice whether to do them or not was
14 your own?

15 MR. LUCAS: Objection. Asked and
16 answered. Go ahead and answer it again.

17 A. Yes.

18 Q. Okay. And if I recall correctly, you said you did
19 it just on one occasion.

20 A. Yes.

21 Q. Okay. Do you recall what tax year that was in?

22 A. What tax year? No.

23 Q. Okay. So except for that income, all of your other
24 income would have come from performing dances either
25 on the stage, like getting tips?

1 three minutes, we talked about, right? Do you
2 recall that?

3 A. Correct.

4 Q. Okay. Typically, when you perform one lap dance,
5 did you just -- when you performed a dance for a
6 table dancing, it's for a customer?

7 A. Yes.

8 Q. Did you perform, just generally, one dance or did
9 you perform a series of dances for that customer?

10 A. However many dances they wanted me to perform.

11 Q. Typically, it was more than one, right?

12 A. Not always.

13 Q. Okay. I understand it's not always, but most of the
14 time it was, right?

15 A. No.

16 Q. Most of the time it was just one?

17 A. Yes. Most of the time they just want one dance. Or
18 if they like the way I dance, then they will say,
19 Okay, give me another one.

20 Q. Okay. Well, typically, in an hour, how many dances
21 would you do?

22 A. I don't even know how to guesstimate that, because
23 sometimes I will go an hour without getting a dance,
24 period.

25 Q. Sure. That's why I'm not asking you specifically in

1 I really -- I haven't counted.

2 Q. Well, if 50 is your quota, have you ever doubled
3 your quota?

4 A. But it don't have to be in dances. It could've been
5 in tips, you know.

6 Q. Okay. I'm just asking the number of dances.

7 A. I'm not -- I'm not sure. I don't -- because
8 sometimes -- my quota is [REDACTED] a day, you know. If
9 -- whether I get that in dances, the combined of
10 dance and tips, you know.

11 Q. Has that always been your quota?

12 A. Yes.

13 Q. So since you started there?

14 A. Yes.

15 Q. Typically, on average of -- you work, you said, on
16 average about four days a week?

17 A. Yes.

18 Q. What's your -- how many days a week do you typically
19 hit your quota?

20 A. At least two days a week, two to three days a week.

21 Q. So two to three days a week, you're hitting your
22 quota?

23 A. Yes.

24 Q. In one day, typically how close do you come when you
25 don't hit it?

1 Q. Okay. So let's just say I took [REDACTED] as an average.
2 Would that seem right?

3 A. Okay. Yeah, [REDACTED]

4 Q. [REDACTED] a week on average?

5 A. Yeah.

6 Q. That accounts for the ups and downs, right?

7 A. Yeah.

8 Q. So -- and has that been fairly consistent through --
9 from 2011, at least, on?

10 A. Yes.

11 Q. Okay. Now, do you make on top of that -- and maybe
12 I'm mixing them, so correct me if I'm mixing them,
13 okay?

14 A. Okay.

15 Q. Do you make on top of that tips, or are tips
16 included in that?

17 A. Tips are included.

18 Q. Okay. What percentage of your income is from tips
19 as opposed to the fees?

20 A. As opposed to the dances, per dance?

21 Q. Yeah.

22 A. I don't know how to really split that, because I
23 could dance for this guy two songs and that's \$20
24 for that song, but he could have threw a hundred
25 ones on the floor. So I don't know how to really

1 A. Yes.

2 Q. You can get it from your mom?

3 A. To pay what fees?

4 Q. The fee to go in the door, the tip out to the DJ,
5 the --

6 A. Yeah. They don't care where you get it from. You
7 just got to pay it.

8 Q. Okay. It's a fee, right? It doesn't matter where
9 you get the money from.

10 A. No.

11 Q. So nobody is like saying, okay, give me your \$300
12 that you earned in tips and I'm taking off 10 bucks,
13 right?

14 A. Right.

15 Q. You can pay that 10 bucks from any source of income
16 you got?

17 A. Yes.

18 Q. It can be a gift from -- I'm just using this as an
19 example. It can be a gift from your mom?

20 A. Yes.

21 Q. \$10 you found blowing down the street?

22 A. Yes.

23 Q. Right? It can be from anything?

24 A. Yes.

25 Q. Once you pay whatever these fees are, all the money

1 is yours to keep, right?

2 A. Yes.

3 Q. It's yours to keep whether you earn a lot or a
4 little?

5 A. Yes.

6 Q. So the fees are fixed, right, generally?

7 A. Yes.

8 Q. And the income is variable?

9 A. Yes.

10 Q. So you can make, like you said, \$2,000 one day and
11 \$800 the next?

12 A. Yes.

13 Q. And is that before or after you pay these fees?

14 A. What do you mean?

15 Q. Well, when we're talking about you make [REDACTED], on
16 average, a week or a night, whatever it was that we
17 said --

18 A. That's before I pay the fees.

19 Q. Before?

20 A. Yeah. So if -- yeah. If my quota is [REDACTED] a day, I
21 would have to subtract what I have to pay before I
22 leave the club. So, really, I'm not making the [REDACTED]
23 I'm making -- subtract my fees, and then that's what
24 I'm going home with.

25 Q. So you're going to go home with [REDACTED]

1 A. Yeah, yeah. About [REDACTED].

2 Q. Okay. So net in your pocket, right, is [REDACTED] bucks?

3 A. Yes.

4 Q. Okay. And so that would be -- if you dance four
5 nights a week, that would be roughly [REDACTED], but we've
6 been using a little lower average than that, right?

7 A. Yes.

8 Q. Okay. And that's after your fees, right?

9 A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

19 Q. Okay. We're on the same page?

20 A. Okay.

21 Q. And I'll see that in all the years, right?

22 A. Yes.

23 Q. Now, if you were an employee, do you know whether or
24 not you would be entitled to claim business expenses
25 on your tax returns on Schedule C?

24 A. To work a specific schedule? No, back -- no, not
25 that I can recall.

1 Q. Has anybody ever required you to come in on any
2 particular shift?

3 A. Any particular shift, yes.

4 Q. When?

5 A. Night shift only.

6 Q. Were you limited to only working the night shift at
7 one point?

8 A. Yes.

9 Q. It wasn't that you couldn't come in at another
10 shift; it was that you could work the night shift,
11 right? That's what the club agreed with you to do?

12 A. No. When I first got hired, I could only work the
13 night shift.

14 Q. Any particular days of the night shift that you
15 could work?

16 A. No.

17 Q. You could work the night shift on any day that you
18 wanted?

19 A. Yes.

20 Q. Okay. What year was that?

21 A. 2010 and '11.

22 Q. Okay. At some point in 2011, did that end?

23 A. They tried to switch it up, you know.

24 Q. When?

25 A. I want to say it was the summer of 2011, because the

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1 Q. He said okay?

2 A. I didn't have to ask management. I came in one day
3 and I asked the door girl could I work, you know.
4 She asked me was I going to work day shift. I said
5 yes. And since she accepted my money, I just didn't
6 go ask anybody else.

7 Q. That was -- but that's been since whenever?

8 A. Excuse me?

9 Q. So as you understood it, one -- on one day, you
10 decided that you wanted to work on the day shift,
11 and the door girl said okay and took your money?

12 A. Yes.

13 Q. When was that?

14 A. I don't remember. That was a while ago.

15 Q. 2011? 2012? Before then?

16 A. About 2012.

17 Q. Now you can work whenever you want?

18 A. Yes.

19 Q. No -- you can come in in the day if you want, at
20 night if you want?

21 A. Yes, as long as you pay your fee.

22 Q. Okay. Have you ever been asked to attend a meeting?

23 A. Yes.

24 Q. When?

25 A. Several times.

1 Q. What kind of meeting?

2 A. Typically we'll have the meeting -- the manager at
3 night will call a meeting right after the club
4 closes. And -- you know, if there's been problems
5 out of the girls or if there's been too many fights
6 or if girls haven't been paying their tip out or
7 when new -- new rules went into play, you know, he
8 would just call a meeting at the end of the night.

9 Q. So as I understand, when you're saying about calling
10 a meeting, right, you're not saying that you have to
11 come in on Saturday morning at nine to show up for a
12 meeting. It's before -- it's after the end of the
13 shift, the manager may come talk to you guys?

14 A. Yes.

15 Q. Anything -- any other meetings that you can recall?

16 A. Not that I can recall.

17 Q. Okay. Have you ever seen an entertainer schedule
18 anywhere in all the years that you worked at the
19 club?

20 A. No.

21 Q. Was there a minimum day shift -- number of day
22 requirements that you had to work at the club?

23 A. No.

24 Q. Okay. I mean, realistically -- you've been there a
25 long time, right?

1 remember?

2 A. Yes.

3 Q. Other than the name Malachi, have you used any other
4 stage names?

5 A. Malachi?

6 Q. Malachi. I'm sorry. I'm -- my pronunciation is
7 terrible.

8 A. Yes, I have. Not at Follies.

9 Q. Okay. Where else have you used other stage names?

10 A. Stokers, when I first started dancing. It was
11 Trinity.

12 Q. Trinity?

13 A. Yes.

14 Q. Any other stage names that you've used?

15 A. No.

16 Q. You provided certain answers to some discovery in
17 this case. Do you recall that?

18 A. Yes.

19 Q. Have you reviewed that discovery recently?

20 A. Not recently-recently.

21 Q. You only would have responded within the last
22 probably two weeks or so, right?

23 A. Yes.

24 Q. Now, there are some calculations for fees and costs
25 and those things. Did you make those calculations

1 A. Yes.

2 Q. You came up with it the same way you came up with
3 your taxes?

4 A. Something like that, yes.

5 Q. Well, what was different?

6 A. What was different was -- is I came up with that
7 with -- my taxes with the lady that prepared them,
8 by her asking me the questions and stuff, so --

9 Q. But did you follow the same format that you followed
10 for coming up with that for your taxes?

11 A. Yes, based off of how much money I -- it cost to pay
12 the fee to work and how much the DJ is required and
13 how much my tip out. Yes, that's how I came up with
14 it.

15 Q. These were estimates?

16 A. Yes.

17 Q. Maybe high, maybe low?

18 A. Maybe a little bit higher. I think I --

19 Q. Same thing for -- I think it's the exact same
20 answer, but same thing for Interrogatory No. 17? I
21 think it's the same answer, but --

22 A. It's the exact same thing, right?

23 Q. Yeah, I said it's the same thing. Same way?

24 A. Yes.

25 Q. Can I ask you a question? Can you hand me that

1 A. Like four or five nights a week for like five
2 months. Three nights -- two nights, I worked
3 doubles -- two days, I worked doubles for five
4 months straight.

5 Q. Can you tell me what particular year?

6 A. 2012 and '13.

7 Q. So some crossover period?

8 A. Yeah.

9 Q. Go ahead and finish.

10 A. And I just added how much I would have to have paid
11 out for the day shift and the night shift when I did
12 work the doubles, and I used that -- those numbers
13 to calculate around about.

14 Q. Did you make any subtractions for time that you
15 didn't work?

16 A. Yes.

17 Q. Okay. What time did you take off for not working?

18 A. When I was pregnant.

19 Q. Any others?

20 A. The days that -- the nights that I didn't work.

21 Q. How do you know the nights that you did work versus
22 the nights you didn't work?

23 A. Because I kept myself on a schedule.

24 Q. That was the schedule that we talked about earlier?

25 A. Yes.

1 Q. Did you ever go on vacation?

2 A. Not really.

3 Q. Since 2011, you haven't gone on vacation?

4 A. I will just -- my vacation was the days that I
5 didn't work. If I did go on a vacation, it would be
6 like that Monday, Tuesday, Wednesday, I would be
7 gone.

8 Q. Did you ever go like travel to Vegas or anywhere
9 with your friends or family?

10 A. I have, but it was on my days off. It wasn't like a
11 vacation.

12 Q. Did you ever perform in Vegas?

13 A. No.

14 Q. So there would be no time where you didn't work 52
15 weeks in a year?

16 A. Where I didn't work 52 weeks in a year?

17 Q. Yes, ma'am.

18 A. Yeah. When I was pregnant.

19 Q. I'm sorry. Excluding when you were pregnant.

20 A. It's a possibility that there were some weeks that I
21 didn't work, yeah.

22 Q. Did you take holidays off ever?

23 A. Yeah. I didn't work on Christmas. I didn't work on
24 Thanksgiving.

25 Q. Did you take those weeks off?

1 A. Yes.

2 Q. Okay. So would -- did you adjust for those in your
3 calculations?

4 A. I did.

5 Q. How did you adjust for those?

6 A. I basically -- like I said, I had myself on a strict
7 schedule. I knew the quota that I wanted to meet,
8 what I needed, and I just made my adjustments
9 accordingly. I wouldn't say I worked the whole 52
10 weeks for three years straight, you know.

11 Q. So just give me an example. Other than being
12 pregnant, how many weeks off did you take a year,
13 generally?

14 A. If I add up all the days, I never took --

15 Q. No, I'm not asking you to add up the days. Weeks
16 you did not work.

17 A. There isn't one week that I didn't work.

18 Q. Okay. So every -- so every week you worked --

19 A. I may not have worked those four or five days, but I
20 made -- I know for sure I worked two or three days a
21 week for 52 weeks.

22 Q. When you did your calculations, did you come up with
23 averages for how many days a week you were working?

24 A. Yes. I scribbled.

25 Q. What was the average that you used?

1 Instagram, is that more geared for your business
2 use?

3 A. No.

4 Q. How do you use Twitter?

5 A. I don't anymore.

6 Q. When was the last time you used Twitter?

7 A. Probably February, March of this year.

8 Q. Okay. You've had other periods of time where you've
9 gone a couple of months without using it, haven't
10 you?

11 A. Yes.

12 Q. You haven't deleted your account, did you?

13 A. No.

14 Q. Now, Instagram, same way?

15 A. No. I'm on Instagram more often.

16 Q. Did you ever use Instagram for business-related
17 purposes?

18 A. No. When it pertains to working at Follies?

19 Q. Yes, ma'am.

20 A. No.

21 Q. Do you have a calendar?

22 A. A calendar?

23 Q. Yes, ma'am. Do you keep a calendar?

24 A. Uh-huh.

25 Q. What kind of calendar do you keep?

1 A. Ones that have kittens on it.

2 Q. Okay. So on your pretty kitten calendar you've got
3 hanging in your --

4 A. In my kitchen on a wall.

5 Q. We have a pretty dog one, so --

6 A. Okay.

7 Q. -- I relate.

8 Do you record -- what kind of information do
9 you record on your calendar?

10 A. My daughter's extracurricular activity schedules.

11 Q. Do you ever record when you're working?

12 A. Not at all.

13 Q. Do you record -- so how do you know when you're
14 planning on working during the workweek, or is it
15 just in your head?

16 A. It's in my head.

17 Q. Are there any records that you have anywhere of any
18 days that you worked?

19 A. No.

20 Q. Of any shifts that you've worked?

21 A. No.

22 Q. Of any fees that you pay?

23 A. No.

24 Q. Any tip outs that you've made?

25 A. Nope.

1 Q. Have you done anything since the institution of this
2 litigation or this arbitration to preserve that
3 information on your end?

4 A. To preserve the recent information?

5 Q. Yes, ma'am.

6 A. No, I haven't. Maybe I should have.

7 Q. Have you taken any steps to secure any records that
8 you may have, even if it's just scraps of paper?

9 A. No.

10 Q. In the last four years, have you had any employment
11 with anybody other than The Follies --

12 A. No.

13 Q. -- of any type?

14 A. No.

15 Q. Have you received any source of income from any
16 source other than The Follies?

17 A. No.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 MR. RUBIN: What number are we on?

13 THE REPORTER: Nineteen.

14 (Exhibit 19 marked for identification.)

15 Q. I'm going to show you what I've had marked as
16 Exhibit 19. I'm going to ask you just to take a
17 look at this document. It's a demand for
18 arbitration filed in connection with this matter
19 that we're here for. Have you seen this document
20 before?

21 A. Yes.

22 Q. Okay. I'm not going to ask you to look at any of
23 the first few pages of this, okay, but can you turn
24 all the way to the back? There is an Exhibit A.

25 A. Okay.

1 Q. Or March 22nd. I can't read that, whatever the date
2 is. Do you recall signing one of these prior to
3 2014?

4 A. No.

5 Q. This would be the first one?

6 A. Yes.

7 Q. Okay. If you turn to the next document, it's an
8 arbitration policy.

9 A. Uh-huh.

10 Q. Looks like that's dated March 2nd of 2014.

11 A. Yes.

12 Q. Is that the first time you ever signed one of these?

13 A. Yes.

14 Q. You never signed an arbitration policy before that?

15 A. No.

16 Q. If I turn to what is the front of Exhibit B here --
17 strike that.

18 Yep, front of Exhibit B, there is a memo dated
19 June 21st of 2012 that appears to be attached to the
20 documents that you're attaching. Have you ever seen
21 that letter before?

22 A. Not prior to when I signed it.

23 Q. Okay. So you don't recall seeing anything in 2012,
24 2013 or 2014?

25 A. No.

1 Q. Do you recall -- do you recall the date as opposed
2 to the day, or whether it was a Friday or Saturday?

3 A. Two days before March the 10th. Is that the date
4 that's on here?

5 Q. So it would have been March 8th?

6 A. Yes.

7 Q. When did you take a copy of this document?

8 A. The 9th.

9 Q. Okay. And when was the last date after you took a
10 copy of this document that you saw one at the club?

11 A. When was the last day?

12 Q. Yes. So March 8th was the day that you --

13 A. Saw it.

14 Q. -- saw it. March 9th was the day you took a copy of
15 it. And when was the last day that you personally
16 saw it?

17 A. I don't know the exact day.

18 Q. Do you know whether or not any of these things ever
19 happened?

20 A. Yes.

21 MR. LUCAS: Objection to form of the
22 question. She already answered it.

23 Q. Okay. What happened on this -- on this form after,
24 I guess, March 10th?

25 MR. LUCAS: Object to the form of the

http://www.yeslaw.net/hel

1 A. Yes.

2 Q. Is that the way it was before?

3 A. Yes.

4 Q. Is that the way it was after?

5 A. Yes.

6 Q. Anything change about that?

7 A. No.

8 Q. Tip out; anything about the tip out change?

9 A. No.

10 Q. The same before, same after?

11 A. Yes.

12 Q. See ya passes, does anything about that change?

13 A. No.

14 Q. Leaving early, do you see anything there?

15 A. Yeah. Because of the club's jurisdiction, we no
16 longer close at 4:00 a.m. So it's not 4:00 a.m.;
17 it's 3:00 a.m.

18 Q. It wasn't 3:00 a.m. on this date either, was it -- I
19 mean, it wasn't 4:00 a.m. on this date, was it,
20 either?

21 A. No.

22 Q. Do you know if any other -- if there's any other
23 mistakes on this document?

24 A. No.

25 Q. Any other documents that you've seen like this ever?

1 A. No.

2 Q. This one, you saw for some period of about a month
3 or less?

4 A. Yes.

5 Q. And you didn't see it before March 8th, and you
6 haven't seen it anytime after --

7 A. No.

8 Q. -- say, March 20th or so?

9 A. No.

10 Q. Okay. Had you -- when was the first time you were
11 in contact with any lawyer about suing Follies?

12 A. They have that information.

13 Q. I'm asking you.

14 A. I don't remember. I don't remember the exact day.

15 Q. Was it before or after March 8th?

16 A. It was before March 8th.

17 Q. When did you ever ask Follies to treat you as an
18 employee?

19 A. I never physically asked them to treat me as an
20 employee. I asked them to stop treating me as an
21 employee if I was an independent contractor.

22 Q. In which ways -- well, in which ways, other than
23 what we've talked about today, have they treated
24 you, you believe, as a contractor -- as an employee?
25 Is there anything that we haven't talked about?

1 MR. LUCAS: Object to form of the
2 question. Go ahead and answer.

3 A. Ask the question again.

4 MR. RUBIN: Can you read that back,
5 please?

6 (Record read back as requested.)

7 Q. Let me just redo it. I don't even understand it. I
8 understand Paul's objection.

9 Other than receiving the fees back on days in
10 which you did not make an -- appropriate money to
11 pay your tip out, are you seeking anything else?

12 MR. LUCAS: I object to the question.
13 Exhibit 19 has her demand. You have it in front of
14 you.

15 Q. I'm asking you, are you seeking anything else?

16 A. I still don't understand the question.

17 Q. You just told me you didn't want to be treated as an
18 employee, right?

19 A. Right.

20 Q. You want to stay as an independent contractor?

21 A. Right.

22 MR. LUCAS: You took her down the road of
23 speculation and then asked her to make a conclusion
24 on it. It's a totally improper question. My
25 objection stands. Go ahead and answer it if you

1 can.

2 MR. RUBIN: Okay. There is no question
3 pending.

4 MR. LUCAS: It's an imaginary world.

5 Q. You've already told me --

6 MR. RUBIN: I'm going to repeat my
7 question. You can have a standing objection.

8 MR. LUCAS: He can stop talking out loud.

9 Q. You've already told me that you don't want to be
10 converted to an employee, you want to stay an
11 independent contractor, so I'm trying to
12 understand --

13 MR. LUCAS: It mischaracterizes her
14 testimony. Ask her a question.

15 MR. RUBIN: I'm trying to ask her a
16 question.

17 MR. LUCAS: Don't tell her what she's
18 saying.

19 MR. RUBIN: Hold on. You know what, this
20 is cross-examination. I get to ask the questions
21 however I'd like.

22 Q. Now, you've already told me that you don't want to
23 be an independent contractor -- you don't want to be
24 treated as an employee, want to stay as an
25 independent contractor, and I'm just trying to

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22 Q. Well, they did make that clear, right? They said
23 that you get to retain all the dances that you do,
24 and these are the fees that you have to pay for that
25 privilege, didn't they?

1 A. Yeah. But in the paperwork that I signed, it
2 clearly states that it's at my discretion.

3 Q. What's at your discretion?

4 A. The tip out and everything like that. Now, as far
5 as renting space, that should have been noted in the
6 agreement which I signed.

7 Q. Well, you knew every day that you came there that
8 that was the agreement that you were making, didn't
9 you?

10 A. But I also knew that when I first started there, I
11 paid \$15. And after everything came about, they --
12 they took the \$20 dance -- the \$20 dance ticket and
13 they included that into the fine -- the fee, which
14 took it up to 35.

15 Q. Okay. But if you didn't like that, you didn't have
16 to show up there. You could go do business with
17 another club, couldn't you?

18 A. I mean, I wanted to keep my job there, but at some
19 point, if I got my -- my permit back, then I
20 wouldn't be able to work there.

21 Q. But you've been doing this and you came back even
22 after a maternity leave. You could go somewhere
23 else, right?

24 A. I could have went somewhere else.

25 Q. You chose to come here because you make a lot of

1 money here, right?

2 A. No, because that's where I -- that's where I've been
3 working at for the past couple years, and so I
4 didn't want to have to go somewhere and start over.

5 Q. Since 2011, the -- the second day you were there for
6 sure, you knew what the deal was, right?

7 A. I knew what the fees were?

8 Q. Yeah.

9 A. Yeah.

10 Q. And the club was very clear with you as to what --
11 the fees you would have to pay, right?

12 A. Yeah. \$15.

13 Q. Well, \$15, plus \$20 ticket, plus whatever else you
14 had to pay all these people, right?

15 A. Yeah. They were clear about that.

16 Q. Okay. And at some point, they decided that they
17 were going to raise that fee, right?

18 A. Yeah.

19 Q. And your choice was whether or not you wanted to
20 continue to do business with them, right?

21 A. What do you mean?

22 Q. Well, you could have -- your choice was whether or
23 not you wanted to continue to do it under the
24 changed arrangement, right?

25 A. Right.

1 Q. Okay. You may -- and you kept saying yes, right?

2 A. Yeah.

3 Q. Okay.

4 A. I paid the fees.

5 MR. RUBIN: I've got nothing else. Thank
6 you.

7 MR. LUCAS: All right. Thanks.

8 (End at 4:10 p.m.)

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1 ATTACH TO THE DEPOSITION OF TASHIA ANDERSON
2 In Re: ANDERSON v. WBY, INC., d/b/a THE FOLLIES

3
4 ERRATA SHEET

5 INSTRUCTIONS: After reading the transcript of your
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7 testimony and the reason therefor on this sheet. DO
8 NOT make any marks or notations on the transcript
9 volume itself. Sign and date this errata sheet
10 (before a Notary Public, if required).

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19 I have read the foregoing transcript of my
20 deposition and except for any corrections or changes
21 noted above, I hereby subscribe to the transcript as
22 an accurate record of the statements made by me.

23 _____
24 Tashia Anderson Date
25

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2

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4

5 C E R T I F I C A T E

6

7

8 GEORGIA:

9

10 I hereby certify that the foregoing deposition
11 was reported, as stated in the caption, and the
12 questions and answers thereto were reduced to the
13 written page under my direction; that the foregoing
14 pages 1 through 157 represent a true and correct
15 transcript of the evidence given. I further certify
16 that I am not in any way financially interested in
17 the result of said case.

18 Pursuant to the Rules and Regulations of the
19 Board of Court Reporting of the Judicial Council of
20 Georgia, I make the following disclosure:

21 I am a Georgia Certified Court Reporter. I am
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24 I was contacted by the offices of Huseby,
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4 I have no written contract to provide reporting
5 services with any party to the case, any counsel in
6 the case, or any reporter or reporting agency from
7 whom a referral might have been made to cover this
8 deposition. I will charge my usual and customary
9 rates to all parties in the case.

10 This 6th day of July, 2015.

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